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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,219	06/26/2000	Yoshifumi Tanimoto	81800.0128	1544

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HOGAN & HARTSON L.L.P.
500 S. GRAND AVENUE
SUITE 1900
LOS ANGELES, CA 90071-2611

EXAMINER	
LETT, THOMAS J	

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/603,219	TANIMOTO, YOSHIFUMI	
	Examiner	Art Unit	
	Thomas J. Lett	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,9,12,13,16,17,20 and 21* is/are rejected.

7)☒ Claim(s) *3-8,10,11,14,15,18,19,22 and 23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 June 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 13, paragraph 2 - page 14, paragraph 2, filed 20 August 2004, with respect to the rejection(s)of claim(s) 1, 12, 16, and 20 under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Shaffer et al (USPN 6,373,940 B2) disclosing a method of overwriting data stored in various communication devices.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 9, 12, 13, 16, 17, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaffer et al (USPN 6,373,940 B2).

With respect to claim 1, Shaffer et al disclose a communication system (shown in Fig. 2) including at least one communication device (fax 104), each of which stores a first set of data (memory 105 of telephone numbers) and generates a response upon receiving data or instructions (an acknowledge signal is sent back to the fax 100, col. 3,

lines 59-60), and a second device (fax 104) connected to each of the at least one communication device over a computer network, wherein the second device (fax 100) includes a transmission unit that transmits replacement data (sends a new number message 106) to at least one of the at least one communication device (fax 104) via the computer network, and wherein the second device (fax 100) transmits an overwrite instruction (dials each receiving fax machine a new number in order that the receiving machine update its memory) to the at least one communication device via the computer network and wherein the second device re-transmits (Shaffer et al disclose that if an acknowledge signal is not received by the sending machine, a subsequent audio signal will be sent in order to re-initiate the update process, col. 3, lines 31-34), the overwrite instruction to the at least one communication device via the computer network if the response is not received by the second device, and

each of the at least one communication device includes a storage unit (memory 105, see Fig. 2) capable of storing the first set of data, a reception unit that receives said replacement data (fax 104), and an overwriting unit (decoder updates its memory 105) that writes the replacement data over the first set of data.

With respect to claim 2, Shaffer et al disclose one communication device includes a plurality of communication devices (a fax 100 dials each fax number in its memory to tell other devices of fax 100's new number, col. 3, lines 51-57), and

the replacement data is received from the second device simultaneously by at least two of the plurality of communication devices (an approach of utilizing an

electronic "new number" signalling message which is broadcast to each of the destination telephones, col. 3, lines 11-13).

With respect to claim 9, Shaffer et al disclose a communication system including a client computer (computer 120, see Fig. 3), a local area network (messages are sent to other computers or computer systems via a local area computer network, col. 4, lines 9-10), and a plurality of facsimile machines (this technique can be applied to other communications technologies such as fax machines, col. 3, lines 46-48) connected to the client computer over the local area network, wherein at least two of the plurality of facsimile machines store at least either quick-dial telephone numbers (speed dial memory 54, 74) or operating programs and generate a response upon receiving data or instructions from the client computer (an acknowledge signal is sent back to the fax 100, col. 3, lines 59-60), and wherein the client computer transmits an overwrite instruction to at least one of the two facsimile machines (decoder updates its memory 105), and wherein the client computer re-transmits the overwrite instruction to at least one of the two facsimile machines if the response is not received by the client computer (if an acknowledge signal is not received by the sending machine, a subsequent audio signal will be sent in order to re-initiate the update process, col. 3, lines 31-34), and wherein the client computer simultaneously transmits replacement data to at least one of the two facsimile machines over the Local Area Network if the response is received by the client computer (an approach of utilizing an electronic "new number" signalling message which is broadcast to each of the destination telephones, col. 3, lines 11-13).

With respect to claim 12, Shaffer et al disclose a data overwriting method (examples are shown in Figs. 1, 2, and 3) for a communication system that includes at least one communication device each of which stores a first set of data (e.g., memory 54, 74, 102, 105) and generates a response upon receiving data or instructions, and a second device connected to the at least one communication device over a computer network, the data overwriting method comprising the steps of:

transmitting an overwrite instruction from the second device to the at least one communication device via the computer network (utilizing an electronic "new number" signalling message which is broadcast to each of the destination telephones, faxes or computers, col. 3, lines 11-13);

re-transmitting the overwrite instruction from the second device to the at least one communication device via the computer network if the response is not received by the second device (if an acknowledge signal is not received by the sending machine, a subsequent audio signal will be sent in order to re-initiate the update process, col. 3, lines 31-34);

transmitting replacement data from the second device to the at least one communication device over the computer network if the response is received by the second device (a new number message along with the new number are sent to the destination device to be updated, col. 3, lines 17-19); and

replacing the first set of data with the replacement data at the at least one

communication device (after reading the new number message, the destination telephone updates its speed dial memory 74 or record in the database 76, col. 3, lines 17-19).

With respect to claim 13, Shaffer et al disclose an approach of utilizing an electronic "new number" signalling message which is broadcast to each of the destination telephones, col. 3, lines 11-13, which reads on the data overwriting method of claim 12 wherein the at least one communication device includes at least two communication devices, and the replacement data is transmitted from the second device to the two or more of the at least two communication devices simultaneously.

With respect to claim 16, Shaffer et al disclose the data overwriting method of claim 12 wherein the replacement data includes at least either quick-dial telephone numbers (Fig. 1 shows an example of an update of speed dial memory 74) or operating programs.

With respect to claim 17, Shaffer et al disclose the data overwriting method of claim 13 wherein the replacement data includes quick-dial telephone numbers (Fig. 1 shows an example of an update of speed dial memory 74) or operating programs.

With respect to claim 20, Shaffer et al disclose the data replacement method of claim 12 wherein the communication device is a facsimile machine (see example of method in Fig. 2).

With respect to claim 21, Shaffer et al disclose the communication system of claim 1 wherein the second device (FAX 100) transmits the replacement data (106) to the at least one communication device (FAX 104) via the computer network upon

receiving the response (<Acknowledge>) from the at least one communication device (FAX 104, see Fig. 2).

KAW
3-8,10,11

Allowable Subject Matter

3. Claims ~~3-11,~~ 14, 15, 18, 19, 22, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is 703-305-8733. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or Faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to:
Crystal Park II
2121 Crystal Drive
Arlington, VA Sixth Floor (Receptionist).

TJL

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER